

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

V.

1:17cr00224-AT

ALLEN PENDERGRASS

This evidence is not admissible under 404(b) nor is it inextricably intertwined.

Comes now the defendant by and through counsel, and filed these objections to the Government's 404(b) evidence as follows:

1. The Colorado conviction:

This matter involved the alleged Colorado case is extremely unfairly prejudicial. Not only does the Colorado conviction fail to corroborate McQueen's testimony, its clear purpose is to buttress McQueen's testimony and the Government's admittedly weak case. This evidence is not admissible under 404(b) nor is it inextricably intertwined.

2. The Ohio Conviction

Similarly as to the Colorado method, the Ohio case is completely dissimilar, involving checks stolen from the US Mails and different individuals. This evidence is not admissible under 404(b) nor is it inextricably intertwined.

3. Other Bad Act evidence

a) Weissman et. al and the quarterback club

These incidents are not similar to the charged incidents whatsoever. This evidence is not admissible under 404(b) nor is it inextricably intertwined.

b) Lee trust, Holland and Knight, and Hemisphere

These actions are again dissimilar to the charged conduct. Not only do these acts fail to

corroborate McCain's testimony, its clear purpose is to buttress McQueen's testimony and the Government's admittedly weak case.

All the evidence of these matters fails to satisfy all three prongs of Zapata, 139 F.3d 1355 (11th Cir 1998) and all should not be permitted at trial.

Respectfully submitted,
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CERTIFICATE OF SERVICE

Comes now the undersigned and states that he has served this document on 11/19/18 by electronic delivery on
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